

Assembly Bill No. 732

CHAPTER 406

An act to amend Sections 20751, 20754, 20755, 20756, 20757, 20758, 21283, 21283.5, 21285, 21288, 21288.5, 21563, and 21563.5 of, and to add Section 21060.4 to, the Food and Agricultural Code, relating to livestock, and making an appropriation therefor.

[Approved by Governor October 1, 2015. Filed with
Secretary of State October 1, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 732, Cooper. Cattle protection: brands: inspection: fees.

(1) Existing law establishes a system for the recordation of cattle brands and establishes various fees in connection with the recordation and the use of a brand, as specified. Existing law also establishes various inspection fees per cattle, as specified. Existing law requires these fees to be deposited in the Department of Food and Agriculture Fund, a continuously appropriated fund.

This bill would increase the inspection fees and other various fees in connection with the recordation and use of cattle brands. By increasing the amount of fees deposited in a continuously appropriated fund, this bill would make an appropriation.

(2) Existing law requires cattle to be inspected before being moved or transported under certain circumstances, including whenever cattle are sold.

This bill would exempt cattle that are being sold or whose ownership is being transferred from these inspection provisions if the individual or entity with a controlling interest in the cattle remains unchanged, if the cattle will not be moved out of state or out of a modified point-of-origin inspection area, and if the cattle are associated with either a registered brand or dairy exemption number. The bill would require, within 30 days of ownership transfer, all persons who have ownership in the cattle, including both the transferor and the transferee, to self-certify, under penalty of perjury, to the Department of Food and Agriculture as to their ownership in the cattle on a form prescribed by the department. By creating a new crime, this bill would impose a state-mandated local program. The bill would authorize the department to charge a fee to cover the reasonable costs of processing the form but would prohibit the fee from exceeding \$50 or the department's actual costs of conducting these activities.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 20751 of the Food and Agricultural Code is amended to read:

20751. The fee for each application for recording a brand is seventy dollars (\$70).

SEC. 2. Section 20754 of the Food and Agricultural Code is amended to read:

20754. Except as otherwise provided in Section 20755, the owner of a brand shall, on or before April 30 after its recordation, pay to the bureau a biennial period renewal fee of seventy dollars (\$70) for the right to continue to use the brand.

SEC. 3. Section 20755 of the Food and Agricultural Code is amended to read:

20755. The owner of a recorded brand may, on or before April 30 of any year, pay in advance to the bureau a sum that is a multiple of seventy dollars (\$70). The payment entitles him or her to use the brand for a minimum of two years, but not to exceed 10 years, at the rate of thirty-five dollars (\$35) per year on and after April 1 of that year. If the advance payment is made, biennial renewals for the years within the period for which advance payment has been made are not required.

SEC. 4. Section 20756 of the Food and Agricultural Code is amended to read:

20756. If the right to use a brand is suspended for failure to pay the renewal fee, it may be reinstated within one year from the date of suspension upon the payment of the biennial renewal fee of seventy dollars (\$70) plus a twenty-five dollar (\$25) penalty fee.

SEC. 5. Section 20757 of the Food and Agricultural Code is amended to read:

20757. (a) Except as provided in subdivision (b), the fee for rerecording a forfeited or canceled brand shall be one hundred forty dollars (\$140). This amount shall accompany the application to rerecord.

(b) When a penalty has been paid pursuant to Section 20222, within 30 days of the date the application to rerecord is received by the secretary, the fee to rerecord shall be seventy dollars (\$70).

SEC. 6. Section 20758 of the Food and Agricultural Code is amended to read:

20758. The fee for recording the transfer of a brand, including a new certificate, is seventy dollars (\$70).

SEC. 7. Section 21060.4 is added to the Food and Agricultural Code, to read:

21060.4. (a) Inspection is not required in cases where cattle are sold or ownership is transferred under all of the following circumstances:

(1) The individual or entity with a controlling interest in the cattle remains unchanged.

(2) The cattle will not be moved out of state or out of a modified point-of-origin inspection area.

(3) The cattle are associated with either a registered brand or dairy exemption number.

(b) All persons who have ownership in the cattle, including both the transferor and the transferee, shall, within 30 days of ownership transfer, self-certify, under penalty of perjury, to the department as to their ownership in the cattle on a form prescribed by the department.

(c) The department may charge a fee to cover the reasonable costs of processing the form identified in subdivision (b), but the fee shall not exceed fifty dollars (\$50) or the department's actual costs of conducting these activities.

(d) An owner of cattle that is otherwise exempt from inspection pursuant to this section may elect to have that cattle inspected pursuant to Section 21051.

(e) A violation of this section shall be subject to the penalties described in Section 21051.3.

SEC. 8. Section 21283 of the Food and Agricultural Code is amended to read:

21283. (a) Unless otherwise provided in this article, inspection fees shall be paid at the point of inspection.

(b) The fee for inspection is one dollar and twenty-five cents (\$1.25) for each animal that is inspected, except as follows:

(1) The fee for inspection at a registered feedlot, as defined in Section 20015, is sixty-four cents (\$0.64) for each animal that is inspected.

(2) The fee for inspecting an animal that originated in another state and was shipped into this state for feeding direct to a registered feedlot is forty-three cents (\$0.43) for each animal that is inspected.

(3) The fee for inspecting an animal that was inspected at a posted stockyard, or posted saleyard, in this state, and shipped direct to a registered feedlot, is forty-three cents (\$0.43) for each animal that is inspected.

SEC. 9. Section 21283.5 of the Food and Agricultural Code is amended to read:

21283.5. Except as otherwise provided in this article, on all private treaty transaction inspections, as defined in Section 20026, regardless of destination, the fee of one dollar and twenty-five cents (\$1.25) shall be paid at the point of inspection for each animal that is inspected.

SEC. 10. Section 21285 of the Food and Agricultural Code is amended to read:

21285. The fee is one dollar and twenty-five cents (\$1.25) for the inspection before sale of each animal at a public saleyard that is posted by the Secretary of Agriculture of the United States or at a public saleyard if the animal originated in another state and it was shipped to this state, consigned to that public stockyard or public saleyard.

SEC. 11. Section 21288 of the Food and Agricultural Code is amended to read:

21288. In a modified point-of-origin inspection area, as provided in Section 21111, the fee for the inspection of cattle, other than suckling calves that are accompanying their mothers, is one dollar and twenty-five cents (\$1.25) per head if the cattle are transported out of the area for purposes other than sale or slaughter and no change of ownership is involved.

SEC. 12. Section 21288.5 of the Food and Agricultural Code is amended to read:

21288.5. For cattle, other than suckling calves accompanying their mothers, transported out of the state for purposes other than sale or slaughter and where no change of ownership is involved, the inspection fee is one dollar and twenty-five cents (\$1.25) per head.

SEC. 13. Section 21563 of the Food and Agricultural Code is amended to read:

21563. Except as otherwise provided in this article, the fee shall be paid at the point of inspection and is one dollar and seventy cents (\$1.70) for each carcass or hide that is inspected.

SEC. 14. Section 21563.5 of the Food and Agricultural Code is amended to read:

21563.5. The fee for the inspection of each carcass or hide shall be one dollar and seventy cents (\$1.70) for each carcass and hide originating in those counties or geographical areas where a point-of-origin inspection is maintained pursuant to Article 4 (commencing with Section 21141) of Chapter 6.

SEC. 15. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.